HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition No. 6945 of 2001 (SS)
(Old No. 23256/1998)

1. Jyoti Prasad son of Late Govind Ram
   Ist E-8 Officers Colony,
   Race Course, Dehradun
2. Brij Mohan Son of Sri Sunder Lal
   Ist E-8 Officers Colony, Race
   Course, Dehradun ..... Petitioners

Versus

1. District Magistrate, Dehradun.
2. Departmental Selection Committee through its
   Chairman District Magistrate, Dehradun
3. Hira Ballabh Joshi s/o Sri Prem Ballabh Joshi
   House No.2 Behind Kutchery
   Campus, Dehradun
4. Budhu Ram son of Daya Ram
   E-10 Officers Colony Type E, Race Course
   Dehradun
5. Tika Ram Dangwal son of Sri Bachhi Ram
   E-ist 2, Officers Colony, Race Course
   Dehradun ..... Respondents

Sri Anil Bisht, Advocate for the petitioners
Standing Counsel for the respondents.

Dated: 4.3.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order dated 4.7.1998 passed by the respondents no. 1.

Briefly stated the petitioners were appointed as class IV employees on 17.7.1984 and 18.7.1984 respectively and since then they are working. The petitioners have submitted that under Subordinate Offices Ministerial Staff (Direct recruitment) Rules 1985, 15% of the total vacancies are reserved for promotion, in lowest grade Ministerial Staff for Group 'D' employees who has high school qualification in their credit. For granting promotion to Group 'D' employees in the lowerst ministerial cadre under the aforesaid 15% quota Rules the senior most group 'D' employees are required to be called for the promotion examination and the interese seniority of the eligible group 'D' employees is required to be determined prior to the calling them for such examination on the basis of length of their service subject to rejection of unfit. According to the petitioners on 4.7.1998 the test was held at collectorate Dehradun for providing promotion to the Group 'D' employees on the post of junior clerk under the 15% quota Rules. In the said test petitioners also appeared but proper procedure was not followed and five candidates were selected for promotion out of which three were junior to the petitioners. As such the petitioners have challenged the selection procedure and result.

In view of the above, liberty is given to the petitioners to prefer a representation to the respondent no.1, within 15 days after the receipt of the certified copy of this order, who shall decide the same within a period of one month thereafter.

Subject to the observation made above, the writ petition is disposed of. No order as to costs.

Dated: 4.3.2006 **Rajesh Tandon, J.**

*Dhyani